

Co., 148 F.3d 396, 403 (4th Cir. 1998). Floyd has not cited any recent change in controlling law or any newly discovered evidence. The court has thoroughly considered Floyd's arguments concerning "manifest errors of law and fact" in the court's order granting summary judgment, and does not find any clear error that merits an alteration or amendment to the judgment. Thus, his motion fails.

Alternatively, to the extent that Floyd seeks relief under Federal Rule of Civil Procedure 60(b), his motion also fails. Rule 60(b) authorizes the court to "relieve a party . . . from a final judgment, order, or proceeding for . . . mistake, inadvertence, surprise, or excusable neglect . . . [or] fraud . . . , misrepresentation, or misconduct by an opposing party . . . [or] any other reason that justifies relief." Fed. R. Civ. P. 60(b)(1), (3). Under Rule 60(b), a movant first must demonstrate that his motion is timely, that the movant has a meritorious claim or defense, that the opposing party will not suffer unfair prejudice from setting aside the judgment, and that exceptional circumstances warrant the relief. See Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 412 n.12 (4th Cir. 2010); Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993). If a movant satisfies these threshold conditions, he must then "satisfy one of the six enumerated grounds for relief under Rule 60(b)." Gray, 1 F.3d at 266. Floyd has failed to establish a meritorious claim or defense. Thus, Floyd fails to meet Rule 60(b)'s threshold requirements.

In sum, the court DENIES Floyd's motion [D.E. 20–21] and DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 10 day of June 2015.


JAMES C. DEVER III
Chief United States District Judge